NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 15 LCA 67, Bangalore, dated 27th May 1967.

Ordered that the Passports Ordinance, 1967 (No. 4 of 1967), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 5th May 1967, be published in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

B. RAMACHANDRA RAO,
Under Secy. to Govt., L. D.

THE PASSPORTS ORDINANCE, 1967

No. 4 OF 1967

Promulgated by the President in the Eighteenth Year of the Republic of India.

An Ordinance to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Passports Ordinance, 1967.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) "departure", with its grammatical variations and cognate expressions, means departure from India by water, land or air ;

(*b*) "passport" means a passport issued under this Ordinance.

Explanation.—For the purposes of section 3, "passport" includes a passport which having been issued by or under the authority of the Government of a foreign country satisfies the conditions prescribed under the Passport (Entry into India) Act, 1920 (34 of 1920), in respect of the class of passports to which it belongs ;

(*c*) "passport authority" means an officer or authority empowered under rules made under this Ordinance to issue passports or travel documents and includes the Central Government ;

(*d*) "prescribed" means prescribed by rules made under this Ordinance ;

(*e*) "travel document" means a certificate referred to in sub-section (2) of section 4.

Explanation.—For the purposes of section 3, "travel document" includes a certificate which being issued by or under the authority of the Government of a foreign country satisfies the conditions prescribed.

3. Passport or travel document for departure from India.—No person shall depart from, or attempt to depart from, India unless he holds in this behalf a passport or travel document.

4. Classes of passports and travel documents.—(1) The following classes of passports may be issued under this Ordinance, namely :—

(*a*) ordinary passport ;

(*b*) official passport ;

(*c*) diplomatic passport.

(2) The following classes of travel documents may be issued under this Ordinance, namely :—

(*a*) emergency certificate authorising a person to enter India ;

(*b*) certificate of identity for the purpose of establishing the identity of a person ;

(*c*) such other certificate as may be prescribed.

(3) The Central Government shall, in consonance with the usage and practice followed by it in this behalf, prescribe the classes of persons to whom the classes of passports and travel documents referred to respectively in sub-section (1) and sub-section (2) may be issued under this Ordinance.

5. Issue of passports and travel documents.—(1) An application for the issue of a passport or a travel document under this Ordinance, or for an endorsement on such passport or travel document, for visiting such foreign country or countries as may be specified in the application may be made to the passport authority and shall be in such form, contain such particulars and be accompanied by such fee (if any) not exceeding rupees twenty-five as may be prescribed.

(2) On receipt of an application, the passport authority, after making such inquiry, if any, as it may consider necessary, shall

subject to the other provisions of this Ordinance, by order in writing,—

(*a*) issue the passport or travel document with endorsement, or, as the case may be, make on

the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application ; or

(*b*) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries ; or

(*c*) refuse to issue the passport or travel document.

(*3*) Where the passport authority makes an order under clause (*b*) or clause (*c*) of sub-section (*2*) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign State or in the interests of the general public to furnish such copy.

6. Refusal of passports, travel documents, etc.—(*1*) Subject to the other provisions of this Ordinance, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (*b*) of sub-section (*2*) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

(*a*) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India ;

(*b*) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India ;

(*c*) that the presence of the applicant in such country may, or is likly to, prejudice the friendly relations of India with any foreign State ;

(*d*) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Ordinance, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (*c*) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

(*a*) that the applicant is not a citizen of India;

(*b*) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

(*c*) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(*d*) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign State;

(*e*) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence and sentenced to imprisonment for not less than two years;

(*f*) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(*g*) that the applicant has no adequate means of supporting himself outside India consistently with his dignity and self-respect as a citizen of India;

(*h*) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(*i*) that in the opinion of the Central Government the issue of a passport to the applicant will not be in the public interest.

7. Duration of passports and travel documents.—A passport or travel document issued under section 5 shall, unless revoked earlier, continue in force for such period as may be prescribed and different periods may be prescribed for different classes of passports and travel documents :

Provided that a passport or a travel document may be issued for a shorter period than the prescribed period—

(*a*) if the person by whom it is required so desires ; or

(*b*) if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period.

8. Renewal of passports.—Every passport shall, unless the passport authority for reasons to be recorded in writing otherwise determines in any case, be renewable for the same period for which the passport was originally issued and shall be so renewable from time to time and the provisions of this Ordinance (including the provisions as to fees) shall apply to the renewal of a passport as they apply to the issue thereof.

9. Conditions and forms of passports and travel documents.—The conditions subject to which, and the form in which, a passport or travel document shall be issued or renewed shall be such as may be prescribed :

Provided that different conditions and different forms may be prescribed for different classes of passports or travel documents :

Provided further that a passport or travel document may contain in addition to the prescribed conditions such other conditions as the passport authority may, with the previous approval of the Central Government, impose in any particular case.

10. Variation, impounding and revocation of passports and travel documents.—(*1*) The passport authority may vary

or cancel the endorsements on a passport or travel document or with the previous approval of the Central Government vary or cancel the conditions (other than the prescribed conditions) subject to which a passport or travel document has been issued and may, for that purpose, require the holder of a passport or a travel document, by notice in writing, to deliver up the passport or travel document to it within such time as may be specified in the notice.

(*2*) The passport authority may, on the application of the holder of a passport or a travel document, also vary or cancel the conditions (other than the prescribed conditions, of the passport or travel document.

(*3*) The passport authority may impound or cause to be impounded or revoke a passport or a travel document,—

(*a*) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof;

(*b*) if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person, on his behalf;

(*c*) if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign State, or in the interests of the general public;

(*d*) if any of the conditions of the passport or travel document has been contravened;

(*e*) if the holder of the passport or travel document has failed to comply with a notice under sub-section (1) requiring him to deliver up the same;

(*f*) if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the

holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made.

(4) The passport authority may also revoke a passport or travel document on the application of the holder thereof.

(5) Where the passport authority makes an order varying or cancelling the endorsements on, or varying the conditions of, a passport or travel document under sub-section (1) or an order impounding or revoking a passport under sub-section (3), it shall record in writing a brief statement of the reasons for making such order and furnish to the holder of the passport or travel document on demand a copy of the same unless in any case, the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign State or in the interests of the general public to furnish such a copy.

(6) The authority to whom the passport authority is subordinate may, by order in writing, impound or cause to be impounded or revoke a passport or a travel document on any ground on which it may be impounded or revoked by the passport authority and the foregoing provisions of this section shall, as far as may be, apply in relation to the impounding or revocation of passport of travel document by such authority.

(7) A court convicting the holder of passport or travel document of any offence under this Ordinance or the rules made thereunder may also revoke the passport or travel document :

Provided that if the conviction is set aside on appeal or otherwise the revocation shall become void.

(8) An order of revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) On the revocation of a passport or a travel document under this section the holder thereof shall, without delay, surrender the passport or travel document, if the same has not already been impounded, to the authority by whom it has been revoked or to such other authority as may be specified in this behalf in the order of revocation.

11. Appeals.—(1) any person aggrieved by an order of the passport authority under clause (b) or caluse (c) of sub-section (2) of section 5 or clause (b) of the proviso to section 7 or sub-section (1) or sub-section (3) of section 10 or by an order under sub-section (6) of section 10 of the authrcity to whom the passport authority is subordinate, may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed :

Provided that no appeal shall lie against any order made by the Central Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor :

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfied the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963, 36 of 1963. with respect to the computation of the periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the statement of the reasons for the order appealed against where such copy has been furnished to the appellant and by such fee (if any) not exceeding rupees twenty-five as may be prescribed.

(5) In disposing of an appeal, the appellate authority shall follow such procedure as may be prescribed :

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of representing his case.

(6) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

12 Offences and penalties.—(1) Whoever—

(*a*) contravenes the provisions of section 3 ; or

(*b*) knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or a travel document under this Ordinance or alters or attempts to alter or causes to alter the entries made in a passport or a travel document issued under this Ordinance ; or

(*c*) fails to produce for inspection his passport or travel document (whether issued under this Ordinance or not) when called upon to do so by the prescribed authority ; or

(*d*) knowingly uses a passport or a travel document issued to another person ; or

(*e*) knowingly allows another person to use a passport or a travel document issued to him,

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) Whoever abets any offence punishable under sub-section (1) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided in that sub-section for that offence.

(3) Whoever contravenes any condition of a passport or a travel document or any provision of this Ordinance or any rule made thereunder for which no punishment is

provided elsewhere in this Ordinance shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(4) Whoever, having been convicted of an offence under this Ordinance, is again convicted of an offence under this Ordinance shall be punishable with double the penalty provided for the latter offence.

13. Power to arrest.—(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer of police not below the rank of a sub-inspector may arrest without warrant any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12 and shall, as soon as may be, inform him of the grouuds for such arrest.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or to the officer in charge of the nearest police station and the provisions of section 61 of the Code of Criminal Procedure, 1988 (5 of 18 8) shall, so far as may be, apply in the case of any such arrest.

14. Power of search and seizure.—(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer of police not below the rank of a sub inspector may search any place and seize any passport or travel document from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12.

(2) The provisions of the Code of Criminal Procedure 1893, (5 of 1898) relating to searches and seizures shall, so far as may be apply to searches and seizures under this section.

15. Previous sanction of Central Government necessary.—No prosecution shall be instituted against any person in

respect of any offence under this Ordinance without the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

16. Protection of action taken in good faith.—No suit prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done under this Ordinance.

17. Passports and travel documents to be property of Central Government.—A passport or travel document issued under this Ordinance shall at all times remain the property of the Central Government.

18. Passports and travel documents to be invalid for travel to certain countries.—Upon the issue of a notification by the Central Government that a foreign country is—

(*a*) a country which is committing external aggression against India; or

(*b*) a country assisting the country committing external aggression against India; or

(*c*) a country where armed hostilities are in progress

(*d*) a country to which travel must be restricted in the public interest because such travel would seriously impair the conduct of foreign affairs of the Government of India,

a passport or travel document issued under this Ordinance for travel through or visiting such country shall cease to be valid for such travel or visit unless in any case a special endorsement in that behalf is made in the prescribed form by the prescribed authority.

19. Issue of passports and travel documents to persons who are not citizens of India.—Notwithstanding anything contained in the foregoing provisions relating to issue of a

passport or a travel document. the Central Government may issue, or cause to be issued, a passport or a travel document to a person who is not a citizen of a India if that Government is of the opinion that it is necessary so to do in the public interest.

20. Power to delegate.—The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Ordinance other than the power under clause (*d*) of sub-section (1) of section 6 or the power under clause (i) of sub-section (2) of that section or the power under section 23, may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed by—

(*a*) such officer or authority subordinate to the Government; or

(*b*) in any foreign country in which there is no diplomatic mission of India by such foreign Consular Officer,

as may be specified in the notification.

21. Power to exempt.—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(*a*) exempt any person or class of persons from the operation of all or any of the provisions of this Ordinance or the rules made thereunder; and

(*b*) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.

22. Ordinance to be in addition to certain enactments.—The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Passport (Entry into India) Act, 1920, (34 of 1920), the Registration of

Foreigners Act, 1939, (16 of 1939), the Foreigners Act, 1946, (31 of 1947). the Foreign Exchange Regulation Act, 1947, (7 of 1947), the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947, (16 of 1947), the Foreigners Law (Application and Amendment) Act, 1962, (42 of 1962), and other enactments relating to foreigners and foreign exchange.

23. Power to make rules.—(1) The Central Government may, by notifiction in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the appointment, jurisdiction, control and functions of passport authorities ;

(*b*) the classes of persons to whom passports and travel documents referred to respectively in sub-section (1) and sub-section (2) of section 4 may be issued ;

(*c*) the form and particulars of application for the issue or renewal of a passport or travel document or for endorsement on a passport or a travel document and where the application is for the renewal, the time within which it shall be made ;

(*d*) the period for which passports and travel documents shall continue in force ;

(*e*) the form in which and the conditions subject to which the different classes of passports and travel documents may be issued, renewed, varied impounded or revoked ;

(*f*) the fees payable in respect of any application for the issue or renewal of a passport or travel document or for varying any endorsement or making a fresh endorsement on a passport or a travel document or for issue of a duplicate

passport or travel document and the fees payable in respect of any appeal under this Ordinance;

(*g*) the appointment of appellate authorities under sub-section (1) of section 11, the jurisdiction of, and the procedure which may be followed by, such appellate authorities;

(*h*) any other matter which is to be, or may be prescribed.

(3) Every rule made under this Ordinance shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity anything previously done under that rule.

24. Change of short title of Act 34 of 1920.—In the Indian Passport Act, 1920, in sub-section (1) of section 1, for the words and figures "the Indian Passport Act, 1920", the words, brackets and figures "the Passport (Entry into India) Act, 1920" shall be substituted.

25. Saving.—Every passport and every travel document issued by or under the authority of the Central Government before the commencement of this Ordinance and in force immediately before such commencement shall be deemed to have been issued under this Ordinance and shall subject to the provisions of this Ordinance, continue in force—

(*a*) for the unexpired portion of the period for which such passport or travel document had been issued; or

(*b*) for a period of five years from the commencement of this Ordinance,

whichever is shorter.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

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